



THE KANSAS ABSTRACTER

The Official Publication of The Kansas Land Title Association

Summer 2003

STEVE KIMBALL, Editor

2003 KLTA Convention

The Marriott Spring Hill Suites Riverfront in Lawrence is the site of the 2003 KLTA Convention to be held August 21-23. This is a newer hotel located in Historic Downtown Lawrence. The hotel has 105 rooms all with a view of the Kansas River, indoor swimming pool, whirlpool spa, exercise room and business services center.

The hotel is within walking distance of several restaurants, shopping and night clubs.

Lawrence is home to the University of Kansas. The University has several museums including the Natural History Museum and Spencer Museum of Art.

Once again KLTA has reserved a golf course for our annual tournament Thursday, August 21st. We are offering four hours of continuing education on Friday, August 22, 2003.

Our convention speakers include: Stanley B. Friedlander,

President of ALTA; a representative from the Kansas Insurance Commission; Han Chen, Fidelity National Title Insurance Company who will discuss Mortgage Impairment Products; and John Peterson, KLTA Lobbyist, as well as the underwriter panel.

Our underwriter members are again this year jointly hosting a hospitality suite. This is a good place to relax and talk with your fellow KLTA members. Watch your mail for convention materials and Continuing Education registration.

NOTE: The Hotel informs us that it will release our block of rooms by July 23 so reserve your hotel room ASAP.

Lawrence Websites

The following websites contain useful information about Lawrence www.visitlawrence.com and www.lawrence.com

KLTA Nominating Committee Report

Pursuant to the Bylaws of KLTA the following names are submitted for nomination at the 2003 convention:

President: Polly Epting

President Elect: Lee Taylor

Vice President: Deborah Lewis

Executive Committee:

Karen Panter, First District

Jeff Amrein, Second District

Carol Foltz, Third District

Roger Hannaford III, Fourth District

Suzan Kimball, Fifth District

Joyce Huddleston, Fifth District

Dozier Named President

Columbian National Title Insurance Company announces the appointment of John W. Dozier, Jr. to the position of President effective July 1, 2003. John joined Columbian over 45 years ago and has been Executive Vice President and Chief Executive Officer since 1978. John is a Past President of KLTA. Congratulations John.

Attn: K-State Football Fans

The Kansas State Wildcats will play the California Golden Bears in the Black Coaches Association Football Game Saturday August 23, 2003 at 6:45 p.m. in Arrowhead Stadium. Plan to extend your stay at the hotel and take in the game. Go Cats!

Useful Websites

ASSOCIATIONS:

ALTA www.alta.org

KLTA www.klta.org

Kansas Register of Deeds Association www.ksrods.org

STATE GOVERNMENT:

Legislative www.kslegislature.org

Secretary of State Corporation and UCC Search www.kssos.org

Kansas Insurance Department www.ksinsurance.org

CHANGES

New E-Mail Addresses

Wichita County Title Company
Lewisfam@wbsnet.org

Mary Rogge
mrogge@kstshawnee.com

New Address

Clark Shultz
Kansas Agency Manager
Stewart Title Guaranty Company
P.O. Box 731
McPherson, Kansas 67460

KANSAS LAND TITLE ASSOCIATION FINAL 2003 LEGISLATIVE REPORT

From: Roy Worthington, Chairman, Legislative Committee

(2003 is a carry-over session, so any bills not killed will be carried over to the 2004 legislative session)

Dear Members: The Kansas Legislature adjourned Wednesday morning May 7, 2003.

A final action taken by the legislature was to approve the property tax accelerator bill (House Bill 2397) which **allows** the Governor to order payment by May 15 instead of June 20 of second half property tax payments due in 2004. That would produce about \$160 million in cash for the state in FY 2004. **So, we will need to watch carefully to see if the Governor takes this option, which must be exercised by September 30, 2003.**

Included in this report is a list of legislators that actively spoke for us during the controlled business debates this year. **If you are a constituent of any of the legislators listed or know any of them, please take time to write them a thank you letter and/or make a contribution to their next campaign.**

Further, many other legislators may have voted for our position (votes were unrecorded) and are not listed - therefore, please thank your local legislator for his/her support of our position on controlled business.

Also, John Peterson and his staff did a remarkable job representing our interests in the legislature this year and all of us should give them a thank you. John's address is 1206 West 10th, Topeka, KS 66601-1291.

And finally, a **BIG THANK YOU** from me to our members for all your help (letter writing and contacting your legislators) during this year's legislative session.

Senate Bills:

29 – would amend the Kansas General Corporation Code to bring it into substantial compliance with the

Corporation Code of Delaware, the law upon the Kansas Corporation Code has been based since 1939. Would permit “any authorized officer” of the corporation to convey any lands or interests therein by deed or other appropriate instrument of conveyance (replaces requirement for execution by “president, vice president or presiding member or trustee”) - Passed Senate and in House Judiciary. Note: Will make the requirement for corporate resolutions that much more important.

66 – would delete the Kansas controlled business law. Hearings in Senate Financial Institutions and Insurance Committee and House Insurance Committee. Presently tabled in House Insurance Committee until 2004 session.

1. Recommend by Kansas Association of Realtors. Said passage of bill will allow “one-stop shopping”, increase competition, lower costs to consumers and increase levels of service;
2. As introduced would permit a controlled business title company to obtain all its business from referrals from the realtor having a financial interest in the title company, and thereby eliminating any requirement for that company to compete for business with independent title companies and eliminating any disclosure requirement;
3. Hearings on February 19 and 20 in Senate Financial Institutions and Insurance Committee; passed out of committee on February 25 with no changes;
4. February 27, 2003 Senate passed the bill after adding amendments to provide a written disclosure requirement and provided that a controlled business title company could receive up to 80% of its business

from referrals from realtors owning the title company. Retained the exemption for counties having a population of 10,000 or less;

5. Hearing on March 11 in House Insurance Committee.
6. March 18, 2003, House Insurance Committee tabled the bill until the 2004 session on a vote of 9 to 8. Representatives supporting KLTA position were Joe Humerickhouse, Bob Grant, Stan Dreher, Ray Cox, Mary Kaufman, Eber Phelps, Nile Dillmore, Broderick Henderson, and Nancy Kirk.
7. March 20, 2003, attempt to “untable” the bill failed;
8. March 25, 2003 an attempt in the Senate Financial Institutions and Insurance Committee to amend House Bill 2071 to include the provisions of the original Senate Bill 66 failed;
9. March 27, 2003, Representative Doug Patterson (Leawood) attempted an amendment to Senate Bill 144 which would permit unregulated controlled business in counties over 75000 population. Amendment failed 73 to 42. Representatives Bob Grant, Bill McCreary, Nile Dillmore, Frank Miller, Joe Humerickhouse, Eber Phelps, Clark Schultz and John Ballou spoke on behalf of the KLTA position;

The following legislators spoke actively on our behalf during the controlled business debates:

Senators

Jim Barnett	Janis Lee
Pete Brungardt	Bob Lyon
Bill Bunten	Steve Morris
Stan Clark	Ed Pugh
Christine Downey	Larry Salmans
Jay Emler	Derek Schmidt
Mark Gilstrap	Mark Taddiken
Greta Goodwin	Ruth Teichman
David Haley	Robert Tyson
Tim Huelskamp	Dwayne Umbarger
David Jackson	

Representatives

Joe Humerickhouse Broderick Henderson
Bob Grant Nancy Kirk
Stan Dreher Bill McCreary
Ray Cox Frank Miller
Mary Kauffman Clark Schultz
Eber Phelps John Ballou
Nile Dillmore

Related controlled business issue:

Request for an Attorney's General Opinion on January 27, 2003 by Representative Doug Patterson (Leawood) to find that Kansas controlled business law violated equal protection clause of U.S. Constitution and further that law was preempted by RESPA.

KLTA retained Lou Eisenbarth and Martha Peterson of Sloan, Listrom, Eisenbarth, Sloan and Glassman, LLC and Bob Stephan, Attorney at Law to ensure that our position was well represented.

April 7, 2003 Attorney General's Opinion No. 2003-14 states that the existing law does not violate equal protection clause of the U.S. Constitution and that the law is not preempted by federal law.

272 – bill will permit state to file and enforce a lien against the real property of a recipient of medical assistance – Passed Senate on April 4, 2003. In House. The KLTA, in cooperation with the Kansas Bar Association, made several amendments to the bill to clear up some confusing issues; these amendments were adopted, but the bill failed to pass out of the house committee because of other issues. The Senate then added the contents of SB 272 to **House Bill 2067**, which subsequent failed on the House floor.

House Bills:

2034 – Recodifies Kansas Power of Attorney Act - Signed by Governor on April 14, 2003. Effective date July 1, 2003.

1. Durable Power of Attorney must signed, dated and acknowledged.
2. General powers may be granted without including in the power of

attorney an exhaustive list of all powers.

3. However, certain powers must be expressly enumerated and authorized: "to alienate the homestead without the joint consent of husband and wife when that relationship exists, if the power of attorney specifically: Gives the attorney in fact the power to sell, transfer and convey the homestead in question; gives the legal description and street address of the property; and states that by the execution of the power of attorney it is the intention of the parties that the act shall constitute the joint consent required by Article 15, Section 9 of the Kansas Constitution and the power of attorney is executed by both the husband and wife in the same instrument.

2064 – Amends the mechanics lien law – Signed by Governor on April 10, 2003. Effective July 1, 2003.

1. Extends period for filing contractor and subcontractor mechanic's liens to five months on property other than residential property, only if the claimant has filed a notice of extension within four months for contractors and within three months for subcontractors since last furnishing labor, equipment, materials or supplies to the job site. Notice of extension must be filed in district court of county where property is located and mailed by certified and regular mail to owner, general contractor or construction manager as required;
2. Form of Notice of Extension to File Contractor Lien (for contractors) and for of Notice of Extension to File Lien (for subcontractors) is in the statute;
3. Defines "residential property" as a structure which is constructed for use as a residence and which is not used or intended for use as a

residence for more than two families;

2331 – Would provide that child support judgments shall not become dormant as long as the mother or child, or both, live, and that such judgments shall remain a lien against the judgment debtor's property until the full amount has been paid. Hearing held in House Judiciary on February 19, 2003. No action on bill.

2421 – Would repeal sales tax exemptions on services. Hearings on March 10 & 11, 2003, but no action on bill.

NOTE: COPIES/STATUS OF BILLS MAY BE OBTAINED AT FOLLOWING WEB SITE: WWW.KSLEGISLATURE.ORG

Executive Committee Members Retire

David Elliott, First District and Bob Uplinger, Fourth District Executive Committee Members have both stepped down. Our thanks and best wishes to these two members for their service to our association over the years.

In Memoriam



Pearl Edna Ray Barbour
Winfield
April 6, 2003



Marceline Barta
Ellsworth
May 23, 2003



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KLTA Kalendar

KLTA Annual Convention

August 21-23, 2003
Spring Hill Suites
Lawrence, Kansas

KLTA Continuing Education

(4 hours)
August 22, 2003
Spring Hill Suites
Lawrence, Kansas

ALTA Annual Convention

October 22-25, 2003
Arizona Biltmore Resort and Spa
Phoenix, Arizona

KLTA Title School

February 4-6, 2004
Marriott Hotel
Wichita, Kansas

KLTA Continuing Education

(4 hours)
February 5, 2004
Marriott Hotel
Wichita, Kansas

ALTA Federal Conference

April 19-21, 2004
Washington, D.C.

KLTA Annual Convention

August 19-21, 2004
Overland Park, Kansas

KLTA Continuing Education

(4 hours credit)
August 20, 2004
Overland Park, Kansas

ALTA Annual Convention

October 6-9, 2004
The Westin Copley Place
Boston, MA

KLTA Title School

Marriott Hotel
Wichita, Kansas
February 9-11, 2005

KLTA Continuing Education

(4 hours)
Marriott Hotel
Wichita, Kansas
February 10, 2005

ALTA Annual Convention

October 6-9, 2005
New York Marriott Marquis
New York, New York

KLTA Title Schools

Marriott Hotel
Wichita, Kansas
February 8-10, 2006
February 7-9, 2007

KLTA Continuing Education

(4 hours)
Marriott Hotel
Wichita, Kansas
February 9, 2006
February 8, 2007

www.klta.org

Be sure to visit our website on a regular basis as current information is posted in a timely manner. If you ever have questions about KLTA check the website first.